

UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

August 11, 2005

Loretta G. Whyte, Clerk
C-151 U.S. Courthouse
500 Poydras Street
New Orleans, LA 70130-3367

Re: MDL-1657 -- In re Vioxx Products Liability Litigation

(See Attached Schedule A of Order)

Dear Ms. Whyte:

I am enclosing a certified copy and one additional copy of a transfer order filed today by the Panel in the above-captioned matter. The order is directed to you for filing.

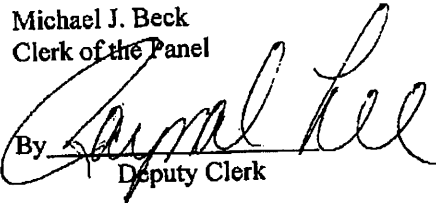
The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

The Panel has ordered that its Rule 1.6(a), pertaining to transfer of files, be suspended for purposes of this litigation. Accordingly, the transferee district clerk shall request, and the transferor district clerk shall forward, only those files deemed necessary by the transferee district court.

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By 
Deputy Clerk

Enclosures/Attachment

cc: Transferee Judge: Judge Eldon E. Fallon
Transferor Judges: (See Attached List of Judges)
Transferor Clerks: (See Attached List of Clerks)

JPML Form 29A



**A CERTIFIED TRUE COPY**

AUG 11 2005

 ATTEST
 FOR THE JUDICIAL PANEL ON
 MULTIDISTRICT LITIGATION

 FILED
 U.S. DISTRICT COURT
 EASTERN DISTRICT OF LA

2005 AUG 15 AM 11:56

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

AUG 11 2005

FILED
CLERK'S OFFICE
 DOCKET NO. 1657
 MDL 1657
BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**IN RE VIOXX PRODUCTS LIABILITY LITIGATION**

**BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D.
 LOWELL JENSEN, J. FREDERICK MOTZ,* ROBERT L. MILLER, JR.,
 KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL**

TRANSFER ORDER

Presently before the Panel are motions, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in the 30 actions listed on Schedule A to vacate the Panel's orders conditionally transferring the actions to the Eastern District of Louisiana for inclusion in the Section 1407 proceedings occurring there in this docket. Merck & Co., Inc., favors inclusion of these actions in MDL-1657 proceedings.

On the basis of the papers filed and hearing session held, the Panel finds that these actions involve common questions of fact with actions in this litigation previously transferred to the Eastern District of Louisiana. Transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Any pending motions to remand to state court can be presented to and decided by the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001). The Panel further finds that transfer of these actions is appropriate for the reasons expressed in the original order directing centralization in this docket. In that order, the Panel held that the Eastern District of Louisiana was a proper Section 1407 forum for actions involving claims of liability for allegedly adverse effects arising from the ingestion of Vioxx. *See In re Vioxx Products Liability Litigation*, 360 F.Supp.2d 1352 (J.P.M.L. 2005).

To the Ohio plaintiff who argues that she does not have the resources to litigate this matter in the Eastern District of Louisiana, we emphasize that since Section 1407 transfer is for pretrial proceedings, there is usually no need for the parties and witnesses to travel to the transferee district for depositions or otherwise. *See, e.g., Fed.R.Civ.P. 45(c)(3)(A)*. Furthermore, the judicious use of liaison counsel, lead counsel and steering committees will eliminate the need for most counsel ever to travel to the transferee district. And it is logical to assume that prudent counsel will combine their forces and

* Judge Motz took no part in the decision of this matter.

Fee _____
 Process _____
 X Dktd _____
 CtRmDep _____
 Doc. No. _____

- 2 -

apportion their workload in order to streamline the efforts of the parties and witnesses, their counsel and the judiciary. This streamlining combined with the uniform case management approach already instituted by the transferee judge will foreseeably lead to an overall savings in litigation costs. See *In re Asbestos Products Liability Litigation (No. VT)*, 771 F.Supp. 415, 422 (D. Vt. 1991).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Eastern District of Louisiana and, with the consent of that court, assigned to the Honorable Eldon E. Fallon for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

SCHEDULE AMDL-1657 -- In re Vioxx Products Liability LitigationEDLA
SEC. L/3Northern District of California

Vick Kargodorian v. Merck & Co., Inc., et al., C.A. No. 3:05-937
Nora Olson, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-1256

05-3791
 05-3792

Southern District of California

Robert V. Purcell v. Merck & Co., Inc., et al., C.A. No. 3:05-443

05-3793

District of Connecticut

JoAnn Malek v. Eric Rosenberg, M.D., et al., C.A. No. 3:05-543

05-3794

Middle District of Florida

Migna Serrano, et al. v. Merck & Co., Inc., et al., C.A. No. 6:05-170
Conchita Merced-Torres, et al. v. Merck & Co., Inc., et al., C.A. No. 6:05-449
Samuel Diaz, et al. v. Merck & Co., Inc., et al., C.A. No. 6:05-472
Wayne Vigil, et al. v. Merck & Co., Inc., et al., C.A. No. 8:05-223

05-3795
 05-3796
 05-3797
 05-3798

Southern District of Illinois

Helen Wood v. Merck & Co., Inc., et al., C.A. No. 3:05-168

05-3799

Eastern District of Missouri

Curt Meng, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-194
Ronald Colbert, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-195
Carver Black, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-297
John Hodges, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-302
Renee Lockett, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-304
LeJuana Young, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-309
Kathryn Pueser, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-430
Chris Piechoinski, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-431
Lorraine Phillip, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-433
Barbara O'Bannon, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-434
Mary Miles, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-435
Jeffrey McDaniel, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-436
Louise McCarter, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-437

05-3800
 05-3801
 05-3802
 05-3803
 05-3804
 05-3805
 05-3806
 05-3807
 05-3808
 05-3809
 05-3810
 05-3811
 05-3812

- A2 -

	EDLA SEC. L/3
<u>Eastern District of Missouri [continued]</u>	
<i>Norma Hubbard, et al. v. Merck & Co., Inc., et al.</i> , C.A. No. 4:05-438	05-3813
<i>Delores Holmes, et al. v. Merck & Co., Inc., et al.</i> , C.A. No. 4:05-439	05-3814
<i>Terry Frame, et al. v. Merck & Co., Inc., et al.</i> , C.A. No. 4:05-440	05-3815
<i>Jane Cavins, et al. v. Merck & Co., Inc., et al.</i> , C.A. No. 4:05-441	05-3816
<i>Charlesetta Butler, et al. v. Merck & Co., Inc., et al.</i> , C.A. No. 4:05-442	05-3817
<u>Northern District of Ohio</u>	
<i>Kimberly Kaiser, et al. v. Merck & Co., Inc.</i> , C.A. No. 1:05-776	05-3818
<u>Western District of Pennsylvania</u>	
<i>Mary Ellen Magnifico v. Merck & Co., Inc.</i> , C.A. No. 2:05-386	05-3819
<u>Northern District of West Virginia</u>	
<i>William David Lough, et al. v. Merck & Co., Inc., et al.</i> , C.A. No. 5:05-34	05-3820

INVOLVED COUNSEL LIST
DOCKET NO. 1657
IN RE VIOXX PRODUCTS LIABILITY LITIGATION

Kevin J. Adrian
Brown & James
1010 Market Street
20th Floor
St Louis, MO 63101

Charles Avrith
Hughes, Hubbard & Reed, LLP
350 South Grand Avenue
36th Floor
Los Angeles, CA 90071

Dan H. Ball
Bryan Cave, L.L.P.
One Metropolitan Square
Suite 3600
211 N. Broadway
St. Louis, MO 63102-2750

Amy Bloom
Steel Hector & Davis
1900 Phillips Point W.
777 S. Flagler Drive
West Palm Beach, FL 33401-6198

Michael K. Brown
Reed Smith, LLP
355 South Grand Avenue
Suite 2900
Los Angeles, CA 90071-1514

Mark E. Burton, II
Hersh & Hersh
2080 Opera Plaza
601 Van Ness Ave
San Francisco, CA 94102-6388

Evan D. Buxner
Walther Glenn Law Associates
1034 S. Brentwood Blvd.
Suite 1300
St. Louis, MO 63117-1322

Eugene A. Cooney
Cooney, Scully & Dowling
Hartford Square North
10 Columbus Boulevard
Hartford, CT 06106-5109

S. Tessie Corbin
Dechert LLP
1717 Arch Street
4000 Bell Atlantic Tower
Philadelphia, PA 19103-2793

Kanika D. Corley
Morris, Polich & Purdy, LLP
1055 West 7th Street
Suite 2400
Los Angeles, CA 90017

Jeanette N. Dannenfelser
Furnier & Thomas
One Financial Way, Suite 312
Cincinnati, OH 45242-5858

David A. Dick
Thompson Coburn, LLP
One US Bank Plaza, Suite 2600
St Louis, MO 63101

Joseph A. Dolan
Frank, Dolan & Mueller, L.L.C.
308 N. 21st Street
Suite 401
St. Louis, MO 63103

Deborah C. Druley
Sonnenschein & Nath, LLP
One Metropolitan Square
Suite 3000
St. Louis, MO 63102

Jeremy R. Fietz
Edgar Law Firm
408 College Ave
Santa Rosa, CA 95401

Carl Frankovitch
Frankovitch, Anetakis, Colantonio
& Simon
337 Penco Road
Weirton, WV 26062

Loren G. Freestone
Hurst & Hurst
401 West "A" Street
Suite 1825
San Diego, CA 92101

Ann E. Griffin
Law Office Of Jason L. McCoy
280 Talcottville Road
Vernon, CT 06066

Megan S. Heinsz
Bryan Cave, L.L.P.
One Metropolitan Square
Suite 3600
211 N. Broadway
St. Louis, MO 63102

Catherine M. Hensler-Dickenson
Husch & Eppenger, LLC
190 Carondelet Plaza
Suite 600
St. Louis, MO 63105

Russ M. Herman
Herman, Herman, Katz & Cotlar, L.L.P.
820 O'Keefe Avenue
New Orleans, LA 70113

Jeffrey A. Holmstrand
McDermott & Bonenberger, PLLC
53 Washington Avenue
Wheeling, WV 26003-0316

Rosalie Euna Kim
Reed Smith LLP
Two Embarcadero Center
Suite 2000
San Francisco, CA 94111

Norman C. Kleinberg
Hughes Hubbard & Reed, LLP
One Battery Park Plaza
12th Floor
New York, NY 10004-1482

Andrea B. Lamere
Schaeffer & Lamere, PC
5512 Godfrey Road, Suite B
Godfrey, IL 62035

Jeffrey J. Lowe
Jeffrey J. Lowe, PC
8235 Forsyth Boulevard
Suite 1100
St. Louis, MO 63105

INVOLVED COUNSEL LIST- MDL-1657

PAGE 2 of 2

Patricia E. Lowry
Steel, Hector & Davis, P.A.
1900 Phillips Point West
777 S. Flagler Drive
West Palm Beach, FL 33401-6198

Stefan A. Mallen
Bryan Cave, L.L.P.
One Metropolitan Square
Suite 3600
211 N. Broadway
St. Louis, MO 63102-2750

Marvin W. Masters
The Masters Law Firm, L.C.
181 Summers Street
4th Floor
Peoples Building
Charleston, WV 25301

Timothy F. McCurdy
Husch & Eppenger, LLC
190 Carondelet Plaza
Suite 600
St. Louis, MO 63105

Donald L. O'Keefe, Jr.
Rabbitt & Pitzer
100 S 4th Street
Suite 400
St. Louis, MO 63101-1821

Kevin F. O'Malley
Greensfelder, Hemker & Gale, P.C.
Equitable Building, Suite 2000
10 South Broadway
St. Louis, MO 63102

Gary P. Paul
Brinker & Doyen
120 S. Central Ave
Suite 700
Clayton, MO 63105

Michael J. Pitzer, Sr.
Rabbitt & Pitzer
100 S 4th Street
Suite 400
St. Louis, MO 63101-1821

Stephen J. Potter
Behr & McCarter
7777 Bonhomme Avenue
Suite 1810
St. Louis, MO 63105

J.C. Powell
Powell & Majestro, PLLC
405 Capitol Street, Suite P-1200
P.O. Box 3081
Charleston, WV 25331

John P. Rahoy
Brown & James, P.C.
1010 Market Street
20th Floor
St. Louis, MO 63101

D. Aaron Rihn
Peirce, Raimond & Coulter, P.C.
2500 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219-1918

Stephen H. Rovak
Sonnenschein & Nath, LLP
One Metropolitan Square
Suite 3000
St. Louis, MO 63102

Alan G. Schwartz
Wiggin & Dana
One Century Tower
265 Church Street
P.O. Box 1832
New Haven, CT 06508-1832

Scott S. Segal
Segal Law Firm
810 Kanawha Blvd, E.
Charleston, WV 25301

Robert J. Sindyla
Sindyla, Anthony & Sindyla
7425 Royalton Road
North Royalton, OH 44133-4743

Michael J. Smith
Moser & Marsalek
200 N. Broadway
Suite 700
St. Louis, MO 63102-2730

Dori K. Stibolt
Steel Hector & Davis
1900 Phillips Point W.
777 S. Flagler Drive
West Palm Beach, FL 33401-6198

Stephen G. Strauss
Bryan Cave, L.L.P.
One Metropolitan Square
211 N. Broadway
Suite 3600
St. Louis, MO 63102-2750

Maria D. Tejedor
Attorneys Trial Group
540 N. Semoran Boulevard
Orlando, FL 32807

James E. Whaley
Brown & James
1010 Market Street
20th Floor
St. Louis, MO 63101

Brett A. Williams
Brown & James
1010 Market St 20th Fl
St. Louis, MO 63101

Phillip A. Wittmann
Stone, Pigman, Walther & Wittmann,
LLC
546 Carondelet Street
New Orleans, LA 70130-3588

INVOLVED JUDGES LIST
DOCKET NO. 1657
IN RE VIOXX PRODUCTS LIABILITY LITIGATION

Hon. Terry I. Adelman
U.S. Magistrate Judge
15.174 Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street
St. Louis, MO 63102

Hon. Janet Bond Arterton
U.S. District Judge
Richard C. Lee U.S. Courthouse
141 Church Street
New Haven, CT 06510

Hon. Frederick R. Buckles
U.S. Magistrate Judge
U.S. District Court
Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street
St. Louis, MO 63102-9958

Hon. Anne C. Conway
U.S. District Judge
646 George C. Young U.S. Courthouse
80 N. Hughey Avenue
Orlando, FL 32801

Hon. Patricia C. Fawcett
Chief Judge, U.S. District Court
611 George C. Young U.S.
Courthouse
80 North Hughey Avenue
Orlando, FL 32801

Hon. Jean C. Hamilton
U.S. District Judge
16N Thomas F. Eagleton U.S. Courthouse
111 South Tenth St., 16th Floor
St. Louis, MO 63102-1116

Hon. David R. Herndon
U.S. District Judge
P.O. Box 259
E. St. Louis, IL 62202-0259

Hon. Carol E. Jackson
Chief Judge, U.S. District Court
14N Thomas F. Eagleton U.S. Courthouse
111 South Tenth St., 14th Floor
St. Louis, MO 63102-1116

Hon. M. James Lorenz
U.S. District Judge
2140 Edward J. Schwartz U.S.
Courthouse
940 Front Street
San Diego, CA 92101-8913

Hon. Terrence F. McVerry
U.S. District Judge
1008 U.S. Post Office & Courthouse
700 Grant Street
Pittsburgh, PA 15219

Hon. Marilyn Hall Patel
U.S. District Judge
Phillip Burton U.S. Courthouse
Box 36060
450 Golden Gate Avenue
San Francisco, CA 94102-3661

Hon. Catherine D. Perry
U.S. District Judge
Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street, 14th Floor
St. Louis, MO 63102-9958

Hon. Charles A. Shaw
U.S. District Judge
Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street, 12th Floor
St. Louis, MO 63102-9958

Hon. Rodney W. Sippel
U.S. District Judge
Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street, 10th Floor
St. Louis, MO 63102-1116

Hon. Frederick P. Stamp, Jr.
U.S. District Judge
P.O. Box 791
Federal Building
1125 Chapline Street
Wheeling, WV 26003-0100

Hon. E. Richard Webber
U.S. District Judge
Thomas F. Eagleton U.S. Courthouse
111 South Tenth St., 12th Floor
St. Louis, MO 63102-1116

Hon. Lesley Brooks Wells
U.S. District Judge
18A Carl B. Stokes U.S. Courthouse
801 W. Superior Avenue
Cleveland, OH 44113-1836

Hon. James D. Whittemore
U.S. District Judge
223 Sam M. Gibbons U.S. Courthouse
801 North Florida Avenue
Tampa, FL 33602

INVOLVED CLERKS LIST
DOCKET NO. 1657
IN RE VIOXX PRODUCTS LIABILITY LITIGATION

Geri M. Smith, Clerk
United States District Court
2-161 Carl B. Stokes U.S. Courthouse
801 West Superior Avenue
Cleveland, OH 44113

James Woodward, Clerk
3300 Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street
St. Louis, MO 63102

Kevin F. Rowe, Clerk
Richard C. Lee U.S. Courthouse
141 Church Street
New Haven, CT 06510

Norbert G. Jaworski, Clerk
U.S. District Court
P.O. Box 249
E. St. Louis, IL 62202-0249

Richard W. Wieking, Clerk
Phillip Burton U.S. Courthouse
Box 36060
450 Golden Gate Avenue
San Francisco, CA 94102-3489

Robert V. Barth, Jr., Clerk
U.S. District Court
P.O. Box 1805
Pittsburgh, PA 15230-1805

Sheryl L. Loesch, Clerk
300 George C. Young U.S. Courthouse
80 North Hughey Avenue
Orlando, FL 32801

Sheryl L. Loesch, Clerk
218 Sam M. Gibbons U.S. Courthouse
801 North Florida Avenue
Tampa, FL 33602-3800

W. Samuel Hamrick, Jr., Clerk
4290 Edward J. Schwartz Federal Building
880 Front Street
San Diego, CA 92101-8900

Wally A. Edgell, Clerk
P.O. Box 471
Wheeling, WV 26003-0060